

Serial No.: 10/624,996
Examiner: T.L. Maust
Art Unit: 3751

REMARKS

Claims 3, 5 and 8-11 are objected to but would be allowable if rewritten in independent form. Claim 3, 5 and 8 have been rewritten in independent form. Therefore, claims 3, 5 and 8-11 are now in condition for allowance.

Claims 1, 2, 4, 6, 7 and 12-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 3,709,410 to Cunningham. The applicant respectfully traverses the Examiner's rejection for the following reasons.

Claim 1 has been amended to clarify several distinctions of the invention over Cunningham which are not suggested by Cunningham. First, the two resilient relatively flat bills must completely seal the fill valve in a natural state. In Cunningham, orifice 31 between the bills is always open. "Valve body 20 normally is in a closed position with slit 27 closed so that fluid flow through the valve body will be confined to orifice 31 only." (col. 4, lines 10-20) Thus, opening the valve body at the slit increases the size of effective size of the passage within the valve for more unrestricted inward flow. The valve body, even when closed, is never sealed. Second, the lower annular flared flange extends outside the container. In Cunningham, the flange is completely inside the container. Third, the cap retains the dispensing material in said container except when an outlet valve is actuated. The cap does not operate to retain any dispensing material in Cunningham.

12/15

Serial No.: 10/624,996
Examiner: T.L. Maust
Art Unit: 3751

Claim 15 requires a resilient fill valve “naturally in a completely closed configuration.” The valve in Cunningham is always open at orifice 31. There is no teaching or suggestion to modify the valve in Cunningham to close orifice 31 in a natural state, as such would prevent the valve from discharging contents upon actuation of the valve. In addition, claim 15 requires that the claimed “open end” and “hole” be “spaced apart” from each other. Cunningham fails to teach two holes which are spaced apart and provides no suggestion for such. Furthermore, claim 15 requires that the resilient fill valve extend through the hole, that the hole have an edge thereabout, and that “at least one separating element separating said fill valve from physical contact with said edge.” The Examiner states that such separating element is seat 16. However, seat 16 does not separating a “fill valve” from physical contact with the edge around a hole through which the fill vale extends, as the upper of cup portion 25 of valve body 20 is also in contact with the same hole and edge.

Claims 15 and 20-22 stand rejected under 25 U.S.C. § 102(e) as anticipated by U.S. Pat. No. 6,729,362 to Scheindel. The applicant respectfully traverses the rejection for the following reasons.

Claims 15 and 20 both require “a fill valve . . . movable to an open configuration upon application of a pressurizing gas into said interior space.” The Scheindel grommet is not a valve as it cannot be moved into an open configuration. However, this is not how the grommet works. When the grommet 10 is deformed by insertion of stretch pin 26a, openings 24 create a fluid path between head ports 38 and the interior of the container.

Serial No.: 10/624,996
Examiner: T.L. Maust
Art Unit: 3751

Application of gas into the interior space 22 of Scheindel, on its own, will not permit gas into the container. The grommet must be mechanically deformed by a pin before gas can be provided into the interior of the container.

Claim 15 also requires "at least one separating element separating said fill valve from physical contact with said edge." No such element is shown. The Examiner cited element 22 for both the claimed "interior space" and "separating element". However, clearly no element comes between the grommet 10 and the edge 19.

Regarding claim 20, the grommet of Scheindel does not have "an interior space having a head portion, a reduced diameter neck portion, and a flared opening portion fill valve." Space 22 is relatively cylindrical. Further, Scheindel fails to teach or suggest a needle in communication with a compressor having "a head portion and a relatively reduced diameter neck portion." Scheindel also does not teach or suggest the features of claims 21 and 22.

Claims 26 and 30 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,462,099 to Demarest. The applicant respectfully traverses the Examiner's rejection for the following reasons.

Claim 26 requires "an upstanding collar surrounding [a] needle, said collar having a cylindrically tubular lower portion having a first inner diameter, and an upper portion with a surface beveled outward relative to said inner surface of said lower portion of said

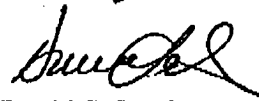
Serial No.: 10/624,996
Examiner: T.L. Maust
Art Unit: 3751

collar." Demarast fails to teach a needle surrounded by the claimed collar for the following reasons. First, in Demarest, there is no needle, but rather a telescoping air tube 21 with a seal 20. Second, the claimed collar is required to be "upstanding," but in Demarast the area for the container is all recessed. Third, the claimed upstanding collar has particularly beveled surfaces at an upper portion thereof relative to an inner surface of a lower portion. This aid in guiding a container onto the needle. Demarast fails to teach or suggest this feature.

For the reasons provided above, the claims are allowable over the stated rejections. In addition, in view of the remarks, the obviousness rejections of the claims are also overcome.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



David S. Jacobson
Reg. No. 39,235
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.
65 Woods End Road
Stamford, CT 06905
voice: (203) 329-1160
fax: (203) 329-1180
November 5, 2004

15/15